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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,640	11/30/2000	James T. Walker		2414

7590 05/19/2005
Michael Zarrabian, Esq.
Suite 500
1925 Century Park East
Los Angeles, CA 90067

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,640

Applicant(s)

WALKER, JAMES T.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,10,17,18,20,23,25,36,37,39,42-46,51,53,54,56-62 and 65-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,4,6,9,10,17,18,20,23,25,36,37,39,42-46,51,53,54,56-62 and 65-88.

DETAILED ACTION

Claims 1, 4, 6, 9, 20, 39, 46, 53, 54, 59, 69, 74, 75, 76, 79, 83, 85, 87 and 88 are objected to because of the following informalities: In claim 1, line 20, "and/or" is not clear, as the second support surface is not connected to the bottom wall. In the penultimate line of claim 4, "and/or" is not clear, as the port hole is not on a side wall. In claim 4, the last line, "walls" should read --wall--. In claim 6, the penultimate line, "and/or" is not clear, as the port hole is not on a side wall. In claim 9, line 1, there is no antecedent basis for "the hinges". In claim 20, line 19, "and/or" is not clear, as the second support is not connected to the bottom wall. In claim 39, line 20, "in of" is grammatically incorrect. In claim 39, line 23, "surfaces" should read --surface--, and "and/or" is not clear, as the second support is not connected to the bottom wall. Claim 46 should depend from claim 45, to provide antecedent basis for the at least one door, and the breach. In claim 53, line 7, "and/or" is unclear since the port hole is not on a side wall. In the penultimate line of claim 53, "and/or" is unclear, since the divider is not connected to the side wall. In claim 54, the port hole is not on a side wall. In claim 59, the second support is not connected to the top wall. See claims 69, 74, 79 and 85 also. In claim 75, the second support is not connected to the bottom wall. See claims 76 and 83 also.

Appropriate correction is required.

In view of the above objections, the respective claims are rejected as best understood, on prior art, as follows.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 54, 56, 57, 65, 67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al (780) in view of Cann (792).

Kaneko teaches a safe for housing electrical equipment 2, 5, 6, including three side walls, a door 11, top wall and bottom wall, wherein the equipment is located above the bottom wall, which bottom wall may be regarded as a first support surface, and a second support surface 15 which supports other components 5, 6, the holes 16a1, 16a2 may be regarded as the claimed aperture which is capable of receiving an item therethrough, or a port hole. Cann teaches a safe for containing electrical equipment, including a bottom wall 18 which supports the equipment, and wherein apertures or port holes 24 are provided which are capable of receiving a power cord, and apertures 31 are also provided at numerous locations which are capable of receiving an item therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the safe of Kaneko such that the bottom wall supports the equipment 2, and wherein apertures/port holes may be provided at numerous locations to receive a power cord or other items, in view of the teaching of Cann, the motivation being to securely support the equipment 2, and to provide a power cord capability.

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Claims 6, 10, 53, 58-62, 66, 68, 69, 71, 87 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann as applied to claim 56 above, and further in view of Gross.

Gross teaches two doors with a lock thereon, and a shelf having a vertical divider. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a double door and to provide a divider with the shelf 15 of Kaneko, in view of the teaching of Gross, to allow the equipment therein to be organized in separate compartments.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann and Gross as applied to claim 6 above, and further in view of Sanderson et al.

Sanderson teaches a concealed hinge 21. It would have been obvious to conceal the hinge(s) of Kaneko as modified by Gross, the motivation being to prevent tampering with the hinge(s).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann as applied to claim 56 above, and further in view of the UK reference (869).

The UK reference teaches fasteners 14 to anchor a safe to a floor. It would have been obvious to anchor the safe of Kaneko to the floor with fasteners, in view of the teaching of the UK reference, the motivation being to prevent theft of the safe.

Claims 20, 23, 72 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann and the UK reference (869).

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All of the references have been discussed above, and it is further noted that the UK reference teaches that it is well known to include an aperture in a door, which aperture is capable of receiving an item therein. It would have been obvious to one of ordinary skill in the art to support the equipment 2 of Kaneko on the bottom wall, in view of the teaching of Cann, and wherein apertures/port holes may be provided at numerous locations to allow a power cord or other items to be inserted, in view of the respective teachings of Cann and the UK reference, the motivation being to allow the equipment 2 of Kaneko to be securely mounted therein.

Claims 25 and 73-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann and the UK reference as applied to claims 72 and 20 above, and further in view of Gross.

Gross teaches a divider for connecting a shelf to a top wall as seen in fig. 1 and a second door. It would have been obvious to provide a second door and a divider with the shelf 15 of Kaneko, in view of the teaching of Gross, the motivation being to allow the equipment stored therein to be organized in separate compartments.

Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann and the UK reference as applied to claim 72 above, and further in view of an additional teaching of the UK reference.

The UK reference also teaches fasteners 14 to be secured to a floor. It would have been obvious to secure the safe of Kaneko to a floor with fasteners, in view of the teaching of the UK reference, the motivation being to prevent theft of the safe.

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Claims 39, 43, 51 and 81-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann, the UK reference and Gross.

All of the references have been discussed above. It would have been obvious to modify the safe of Kaneko such that the bottom wall supports the equipment 2 and wherein numerous port holes/apertures are provided at numerous locations to receive a power cord or other items, in view of the teaching of Cann, the motivation being to allow the equipment to be securely mounted therein and to provide a power cord capability. It would have been obvious to modify the safe of Kaneko to include a second door having a lock, and a divider extending from the shelf, in view of the teaching of Gross, the motivation being to allow the equipment to be organized in separate compartments. It would have been obvious to modify the safe of Kaneko such that a door includes an aperture capable of receiving an item and wherein fasteners are used to secure the safe to the floor, in view of the teaching of the UK reference, the motivation being to prevent theft of the safe.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko as modified by Cann, the UK reference and Gross as applied to claim 39 above, and further in view of Wege.

Wege teaches a first door overlapping a second door. It would have been obvious to modify the doors of Kaneko as modified by Gross such that one door overlaps the other, in view of the teaching of Wege, the motivation being to resist tampering attempts with the door(s).

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Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann, the UK reference and Gross as applied to claim 39 above, and further in view of Sanderson et al.

Sanderson teaches a concealed hinge 21. It would have been obvious to conceal the hinge(s) of the modified Kaneko reference, in view of the teaching of Sanderson et al, the motivation being to prevent tampering with the hinges.

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Cann, the UK reference and Gross as applied to claim 39 and 42 above, and further in view of List.

List teaches a door lock including a member 25 with a hole 26, a breach 19 and a recessed pan 13. It would have been obvious to substitute a recessed pan/beach lock, for a door of Kaneko, in view of the teaching of List, since any well known type of lock would function just as well in locking the door(s).

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

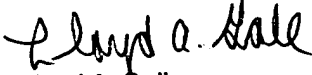
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May 12, 2005


Lloyd A. Gall
Primary Examiner